

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION :
 : Criminal No. WMN-01-2872
v. :
 :
WARFIELD-ROHR CASKET :
COMPANY, INC. :

MEMORANDUM AND ORDER

On March 3, 2005, a judgment was entered against Defendant, Warfield-Rohr Casket Company, Inc., in the amount of \$397,948.75, with costs. Paper No. 63. On December 9, 2005, the Equal Employment Opportunity Commission (EEOC) filed a motion to clarify the March 3, 2005, Order to show that Mr. Kuehnl, and not the EEOC, is the direct payee of the judgment because he is the beneficiary of the jury's award of back pay and liquidated damages. Paper No. 81. The EEOC notes that it is their policy to not receive and distribute monetary awards to claimants vindicated by its lawsuits. Mot. 2. In its response, Defendant stated that it would pay Mr. Kuehnl directly if the EEOC waived the costs it sought in this action. Opp'n ¶¶ 6-7.

The Court agrees with the EEOC that the fact that Mr. Kuehnl is the payee of the jury's award does not alleviate the costs associated with prosecuting the action and that the EEOC's Bill of Costs application is a separate matter. See Reply 2. Thus, the Order of Judgment will be clarified to reflect that the

jury's verdict, plus post-judgment interest, is payable directly to Mr. Kuehnl.

Accordingly, IT IS this 12th day of January, 2006, by the United States District Court for the District of Maryland,
ORDERED:

1. That Plaintiff's Motion to Clarify Order of Judgment, Paper No. 81, is GRANTED;

2. That Defendant release the checks it has issued, one in the amount of \$114,105.68 for back pay (less state, federal, medicare and social security liability), the other in the amount of \$202,963.81 for liquidated damages and post-judgment interest, to Mr. Kuehnl; and

3. That the Clerk of the Court shall transmit copies of this Order to all counsel of record.

_____/s/____

William M. Nickerson
Senior United States District Judge